

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-66, ENTITLED "PUBLIC HEARING ON APPLICATION; APPROVAL BY MAYOR", TO ALLOW AN APPLICANT FOR AN ALCOHOLIC BEVERAGE LICENSE TO APPEAR BEFORE THE LICENSE REVIEW BOARD BEFORE RECEIVING ITS FINAL FIRE, HEALTH, AND BUILDING LETTERS; TO REDUCE THE AMOUNT OF TIME BEFORE THE MAYOR MUST DENY, GRANT, OR REMAND TO THE LICENSE REVIEW BOARD AN ALCOHOLIC BEVERAGE LICENSE APPLICATION FOLLOWING RECEIPT OF ALL REQUIRED DOCUMENTATION; TO PROVIDE FOR EXPIRATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATIONS, OTHER THAN FOR FOR-PROFIT OR NON-PROFIT SPECIAL EVENTS, SIX MONTHS FOLLOWING THE MAYOR'S RECEIPT OF THE RECOMMENDATION OF THE LICENSE REVIEW BOARD IF THE MAYOR IS NOT IN RECEIPT OF ALL REQUIRED DOCUMENTATION AT THAT TIME; TO FURTHER REDUCE THE AMOUNT OF TIME BEFORE THE MAYOR MUST DENY, GRANT OR REMAND TO THE LICENSE REVIEW BOARD AN APPLICATION FOR A TEMPORARY PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR BOTH FOR-PROFIT AND NON-PROFIT SPECIAL EVENTS; TO REQUIRE THAT ALL RECOMMENDATIONS OF THE LICENSE REVIEW BOARD BE DELIVERED TO THE MAYOR WITHIN THREE BUSINESS DAYS OF THE PUBLIC ANNOUNCEMENT OF THE VOTE OF THE BOARD ON SUCH RECOMMENDATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, currently Chapter 10, Article II, Division 2, Section 10-66(b) of the City of Atlanta Code of Ordinances sets forth that the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 90 calendar days of receipt of a recommendation from the license review board; and

WHEREAS, currently before an application for an alcoholic beverage license will be granted, the mayor requires the submission of 1) a letter issued by the Atlanta Department of Fire Rescue confirming that the proposed licensed premises meets the requirements of the City of Atlanta Fire Prevention Code, according to plans which were submitted to and approved by the City of Atlanta Fire Marshall; 2) a notice issued by the Board of Health or Health Department of the county in which the proposed licensed

premises is located signifying the compliance of the proposed licensed premises with the rules of the Georgia Department of Human Resources; and 3) a letter issued by the City of Atlanta Department of Community Development, Bureau of Buildings setting forth that the proposed licensed premises has been approved to operate its proposed business, also known respectively as the final Fire, Health and Building letters.

WHEREAS, currently nothing in the City of Atlanta Code of Ordinances allows for an alcoholic beverage license application to be considered by the license review board before the applicant has received its final fire, health, and building letters; and

WHEREAS, alcoholic beverage license applicants sometimes must demonstrate a favorable recommendation by the license review board before they can secure the necessary financing to complete the construction of their businesses; and

WHEREAS, an applicant cannot submit their final fire, health and building letters until such the completion of the construction of their businesses; and

WHEREAS, it is the desire of the City of Atlanta not to unduly impede the development of new businesses within the City of Atlanta who wish to sell alcoholic beverages; and

WHEREAS, it is the desire of the City of Atlanta to reduce the amount of time that the mayor may consider a completed alcoholic beverage application from 90 days to 60 days; and

WHEREAS, it is the desire of the City of Atlanta to provide a deadline by which all required alcohol license application documentation must be submitted to the mayor; and

WHEREAS, applicants for temporary permits for the sale of alcoholic beverages for consumption on the premises during a for-profit special event must submit an application in accordance with; Chapter 10, Article II, Division 3, Section 10-126; and

WHEREAS, applicants for temporary permits for the sale of alcoholic beverages for consumption on the premises during a non-profit special event must submit an application in accordance with; Chapter 10, Article II, Division 3, Section 10-127; and

WHEREAS, currently, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 90 calendar days of receipt of a recommendation from the license review board applicants, including those for temporary permits for the sale of alcoholic beverages for consumption on the premises during both for-profit and non-profit special events; and

WHEREAS, the City of Atlanta recognizes that the nature of special events sometimes requires expediency in the approval of temporary permits for the sale of alcohol beverages for consumption on the premises; and

WHEREAS, it is the desire of the City of Atlanta to reduce the amount of time that the mayor may consider a completed application for a temporary permit for the sale of alcoholic beverages for consumption on the premises during both for-profit and non-profit special events from 90 days to 14 days; and

WHEREAS, Chapter 30, Article II, Section 30-26 of the City of Atlanta Code of Ordinances describes the composition and functions of the license review board; and

WHEREAS, currently, nothing in City of Atlanta Code of Ordinance section 30-26 requires that a recommendation of the license review board be delivered to the mayor within any specific time; and

WHEREAS, it is the desire of the City of Atlanta to require that all recommendations of the license review board be delivered to the Mayor within three business days of the public announcement of the vote of the board on such recommendations; and

WHEREAS, the City of Atlanta wishes that these amendments to section 10-66 and 30-26 shall be effective immediately upon the Mayor's signature.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 10, Article II, Division 2, Section 10-66(b), of the City of Atlanta Code of Ordinances be deleted in its entirety and replaced with the following:

(b) With the exception of those applications made in accordance with sections 10-126 and 10-127 of this chapter, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 60 calendar days of receipt of a recommendation from the license review board as well as each of the following: 1) a letter issued by the Atlanta Department of Fire Rescue confirming that the proposed licensed premises meets the requirements of the City of Atlanta Fire Prevention Code, according to plans which were submitted to and approved by the City of Atlanta Fire Marshall; 2) a notice issued by the Board of Health or Health Department of the county in which the proposed licensed premises is located signifying the compliance of the proposed licensed premises with the rules of the Georgia Department of Human Resources; and 3) a letter issued by the City of Atlanta Department of Community Development, Bureau of Buildings setting forth that the proposed licensed premises has been approved to operate its proposed business. With the exception of those applications made in accordance with sections 10-126 and 10-127 of this chapter, if the Mayor does not receive the documentation described in sections (1), (2), and (3) of this subsection within six months of the Mayor's receipt of the recommendation from the license review board, the alcoholic beverage license application shall expire without the necessity of any further action

of the license review board, and no refund of any application fees shall be made to the applicant. Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant shall be provided with a five day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 60 calendar days provided, and does not choose to remand the application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

Section 2: That Chapter 10, Article II, Division 2, Section 10-66(c), of the City of Atlanta Code of Ordinances be deleted in its entirety and replaced with the following:

(c) For those applications made in accordance with sections 10-126 and 10-127 of this chapter, the mayor shall deny, grant, or remand to the license review board, any alcoholic beverage license application within 14 calendar days of receipt of a recommendation from the license review board as well as the documentation described in 10-66(b)(1-3). Upon review of the license review board's recommendation and/or the record created during the license review board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the license review board for further hearing. In remanding the application back to the license review board, the mayor shall provide written instructions to the license review board and the license and permit unit of the city's police department identifying specific issues and/or matters the mayor requires the license review board to conduct further hearing upon. An alcoholic beverage license applicant shall be provided with a five day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All applications remanded to the license review board shall be scheduled for further hearing before the license review board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an application within the 14 calendar days provided, and does not choose to remand the

application to the license review board, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

Section 3: That Chapter 10, Article II, Division 2, Section 10-66(b), of the City of Atlanta Code of Ordinances be amended to add a new subsection (d) to read as follows:

(d) The license and permits unit of the Atlanta Police Department shall make the final agendas for all license review board hearings regarding annual licenses to sell alcohol available for public notice by the close of business on the day that is one week prior to the date of each hearing. Such agendas shall be made available to the public at the reception area of the offices of the license and permits unit of the Atlanta Police Department and shall be on file with the municipal clerk's office.

Section 4: That Chapter 30, Article II, Section 30-26, of the City of Atlanta Code of Ordinances be amended to add a new subsection (f) to read as follows:

(f) All recommendations of the board made in accordance with this section, shall be delivered to the mayor within three business days of the public announcement of the vote of the board on such recommendations.

Section 5: The amendments reflected in this ordinance shall become effective immediately upon the Mayor's signature.

Section 6: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.




SHIRLEY FRANKLIN
Mayor

CITY OF ATLANTA
DEPARTMENT OF LAW
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68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
TELEPHONE: (404) 330-6400

ELIZABETH B. CHANDLER
City Attorney

INTERDEPARTMENTAL MEMORANDUM

TO: Greg Pridgeon, Chief of Staff
FROM: Amber A. Robinson, Assistant City Attorney 
DATE: August 8, 2008
RE: Ordinance to Streamline LRB Procedures

The purpose of the attached ordinance is to amend various provisions of the Atlanta City Code in order to streamline the procedures for getting an alcohol license application before the License Review Board and to the mayor.

It has come to the attention of the City of Atlanta that applicants for alcohol licenses have been finding it increasingly difficult to secure the financing necessary to complete the construction or renovation of their establishments without the ability to demonstrate a favorable recommendation by the LRB.

These amendments allow such applicants to appear before the LRB before the completion of their establishments. However, if an applicant cannot provide the mayor with documentation showing said completion six months following the issuance of the recommendation of the LRB, their applications will expire, and such applicants will be required to begin their application process all over again.

Once the mayor receives the documentation showing that the establishments have been completed, the mayor will have sixty days (reduced from the current ninety days) to either grant, deny or remand an application back to the LRB for further consideration. If the mayor does not do so within the required sixty days, the recommendation of the LRB shall be final. It must be noted that the mayor will not have the power to approve, deny, or remand until the mayor has received all required documentation.

It has also come to the attention of the City of Atlanta that due to their unique nature, there is a need for greater expediency in the approval of temporary alcohol sales permits for special events.

**CONFIDENTIAL DOCUMENT – PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE
AND THE WORK PRODUCT DOCTRINE**

Therefore, this ordinance also reduces the amount of time that the mayor may consider a completed application for temporary alcohol sales for special events, from the current ninety days following the recommendation of the LRB, to fourteen calendar days following the recommendation.

Finally, in further effort to promote a more streamlined process for the approval of all applications to operate businesses regulated by the City of Atlanta under its police powers; this ordinance amends the Atlanta City Code to require that all recommendations of the LRB be delivered to the mayor within three business days of the public announcement of the vote of the LRB.

I trust that this information is responsive to your request. Please do not hesitate to contact me should I be of further assistance.

Attachment

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Amber A. Robinson

Contact Number: (404) 330-6494

Originating Department: _____

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: Cycle 14 / August 13, 2008

Anticipated Committee Meeting Date(s): August 26; September 9

Anticipated Full Council Date: September 15

Commissioner Signature _____
Greg Pridgeon

Chief Procurement Officer Signature N/A

CAPTION

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Financial impact (if any): N/A

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 8-8-08 [Signature] Reviewed by: Ame 8/14/08
(date) (date)

Submitted to Council: _____
(date)